

REMARKS

Claims 27-31 are pending in the application. Claims 27-31 are rejected under 35 U.S. C. 103(a) as being unpatentable over EP 0491069 to Pirovano et al. in view of U.S. Patent No. 6,370,143 to Yamagishi. For the reasons set for the below, reconsideration of the application is respectfully requested.

1. Interview with Examiner

On January 24, 2008, applicant's attorney Thomas and Examiner Shahid Al Alam discussed the case, particularly claim 27. Agreement as to specific claim language that would render the claims patentable was not reached, but it is believed that agreement was reached that adding additional limitations to the claims such as requiring that the distributed user terminal database must be separately updated would assist the Office in appreciating the differences between the claimed invention and the cited prior art. Applicant appreciates the assistance of the Examiner in this regard.

2. Applicant's Claimed Invention.

Applicant's application discloses and is intended to claim, inter alia, a method of conditionally updating a plurality of user databases in a system comprising a central message center and a network of such user databases. As indicated in the application as filed, the user databases each comprise: 1) system/managing data; and 2) "useful" data. (See, e.g., pages 1-3 of the application as filed.) Useful data is defined in the specification as being "the data to which the database has been provided" while system/managing data is defined to be the data that "defines the structure of the base and allow[s] to define its address or identifier." (See, translated application at page 3, lines 1-3.)

One aspect of the present invention is a method of conditionally updating the user databases by sending a message from the message center to all of the user databases without preselecting certain of those databases to receive and act on the message. The "group" message includes one or more queries for searching the "useful" data portion(s) of each distributed user database. After each individual user database receives the "group" message and executes the query, the user database is "conditionally" updated according to the results obtained by the search of the useful data. For example, if a particular end user's useful data indicate that the number or category of the user's previously bought TV programs entitles the user to obtain a free or reduced fee program, the end user's database can be updated to facilitate that programming.

Claim 27 of the pending application has been amended to more particularly point out and distinctly claim the above-described aspect of the present invention. Much of the amendment is intended simply to clarify the claim, particularly in view of the fact that the claim was apparently originally written in a language other than English. None of the amendment is intended to substantially broaden or narrow the claim since it is believed that the pending claim 27 claimed the subject matter identified above even before the present amendment.

3. The Cited References.

Two references have been cited against the application. One reference, Pirvano, is believed to have been cited as showing "providing identical messages without any database addressing." Office Action at page 5. The other reference, Yamagishi, is believed to have been cited as teaching the conditional updating of databases. Office Action at page 5.

Applicant's review of the cited art suggests that the Office has misread the references. Pirovano does not appear to teach "providing identical messages without any database

addressing,” and indeed explicitly teaches that “selective transmission is achieved by establishing a connection between an information-provider and a specific end-user, each end-user being identified by a different unique identifier.” Pirovano at pages 2, line 57 through page 3, line 1. *See also*, Pirovano at page 5, lines 32-33: “The selective connection between a calling terminal and a called terminal over the unidirectional broadcast medium is achieved by means of the NCR packet that carries the address of the called terminal.” In view of these explicit statements, and other statements made in the Pirovano reference, it is respectfully submitted that Pirovano does not teach providing identical messages without database addressing, wherein the message is received by all members of the network. Moreover, even the Office acknowledges that Pirovano does not teach conditional updating of any database.

As to the Yamagishi reference, Yamagishi appears to teach the sending of a single, universal message to all recipients. In that respect it is like applicant’s claimed method, and is unlike the Pirovano method. However, in Yamagishi the recipient’s system searches the incoming message for a message identifier, and then compares that identifier with identifier information stored in the recipients’ system. If the recipients’ system identifies the incoming message as “new,” it acts. If the recipients’ system identifies the incoming message as not new, it ignores the message.

4. The Differences Between the Claimed Invention and the Cited References.

It can be seen from the above that one difference between the claimed invention and the cited references is that in the claimed invention the “useful data” of the user’s database is checked to determine the appropriate scope (if any) of the conditional updating, while in the Yamagishi reference only the message identifiers are checked to determine the appropriate scope

(if any) of the conditional updating. (Remember that, as stated by the Office Action, Priovano fails to teach conditional updating at all.) This difference in the fields checked by the incoming message provides advantages to applicant's claimed system that are not provided by the cited art.

One advantage of checking useful data instead of system data as done in Yamagishi is that useful data allow complex operations to be made on several criteria at the same time within a database. Thus, comparisons may be made on several data fields simultaneously because control blocks determine the appropriate action depending on the comparison results (for example, either to update the database, carry out the subsequent control block, to jump to another control block, or to terminate the message handling, as stated in claim 30.) In Yamagishi, comparisons are made on the presence or absence of addresses or identifiers before updating an item in the database. Figure 11 shows after selection of the data at step S32, a test on the presence of stored data with a same identifier at step S33, and when the version information is different (step S34), the database is updated (step S36) after a format check at step S35. This update is then made only on the base of a version number independently on the useful data or combination of useful data inside the database.

For updating several items in the database by using identifiers and version information, the solution of Yamagishi should then need several messages, each for updating a specified item. The comparison process of Fig. 11 is then also repeated for each item until the complete concerned parts of the database are updated.

As mentioned in the description of the present application, queries are carried out simultaneously, for example, on the subscription date of a subscription submission, on the number or category of previously bought TV programs in order to determine if the subscriber

can benefit for a free program or for a reduced fee for watching a program in a given category. As the aim of the invention is to send a minimum quantity of messages, they contain therefore commands and query sequences allowing more complex operations within the database than only "yes or no" comparisons on identifiers and version information.

5. The Advantages of the Claimed Invention.

As indicated above, the present invention provides advantages that are not obtainable by the methods of the prior art, regardless of whether those prior art methods are used individually or in combination. In particular, the present invention allows the control center to send a minimum number of messages since the messages contain commands and query sequences allowing more complex operations within the database than only "yes or no" comparisons on identifiers and version information.

6. The §112 Rejections.

The §112 rejections are believed to be obviated by the present amendment.

7. Conclusion.

Reconsideration and passage to allowance of the pending application is respectfully requested.

Respectfully submitted,

By: Timothy N. Thomas
Timothy N. Thomas
Reg. No. 35,714
Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137
(317) 634-3456